

Message Text

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DRAFTED BY EUR/EE:APBRAINARD:MV

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FM SECSTATE WASHDC

TO AMEMBASSY WARSAW

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STADIS////////////////////////////////////

E.O. 11652:

TAGS: PFOR, PL

SUBJECT: ORBIS PROMOTIONAL MATERIALS

1. POLISH EMBASSY OFFICER ON JANUARY 20 RAISED IN LOW KEY FOR SECOND TIME CONTENTS OF ORBIS TOURIST PROMOTIONAL MATERIALS WHICH THE DEPARTMENT OF JUSTICE (REGISTRATION UNIT) HAS ADVISED PROBABLY COMES UNDER THE PURVIEW OF THE FOREIGN AGENTS REGISTRATION ACT OF 1938. MATERIALS SO ADJUDGED MUST BE STAMPED AS CONTAINING POLITICAL PROPAGANDA IF THEY ARE TO BE DISTRIBUTED IN INTERSTATE COMMERCE EITHER BY MAIL OR COMMON CARRIER.

2. LATE IN 1974, REGISTRATION UNIT INFORMED ORBIS THAT SEVERAL PUBLICATIONS PROBABLY CONTAIN MATERIALS COMING UNDER THE PURVIEW OF THE ACT AND INVITED ORBIS' LAWYER TO CALL SO THAT THE REQUIREMENTS OF THE ACT COULD BE EXPLAINED. AT THAT TIME, THE POLISH EMBASSY ASKED THE DEPARTMENT TO INTERVENE. WE CONTACTED JUSTICE WHICH PROMISED TO REVIEW ITS PRELIMINARY FINDINGS.

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3. SUBSEQUENTLY, ORBIS SUBMITTED ADDITIONAL MATERIALS FOR

REVIEW BY JUSTICE. IN A JANUARY 9 LETTER, JUSTICE INFORMED ORBIS THAT THREE ITEMS INTENDED FOR DISTRIBUTION PROBABLY WOULD ALSO COME UNDER THE ACT. THIS LED TO THE MOST RECENT POLISH EMBASSY REQUEST FOR INTERVENTION.

4. ON JANUARY 21, DEPARTMENT OFFICERS MET WITH REGISTRATION UNIT OFFICIALS TO REVIEW SITUATION. THESE OFFICIALS POINTED OUT THAT THEIR OBJECTIONS WERE BASED ON DETERMINATION THAT ORBIS MATERIALS CONTAINED STATEMENTS ABOUT THE EFFECTS OF WORLD WAR II ON POLAND WHICH NORMALLY ARE NOT CONTAINED IN TOURIST PROMOTIONAL MATERIALS. JUSTICE DOES NOT DISPUTE THE FACTS AS PRESENTED BUT FINDS ADJECTIVES PROVOCATIVE AND BELIEVES THAT POLISH MATERIALS COULD BE PRESENTED IN A MANNER WHICH WOULD NOT BRING THEM UNDER THE ACT.

5. JUSTICE REITERATED THAT WERE ORBIS' LAWYER TO VISIT, THE MATTER PROBABLY COULD BE CLEARED UP WITH LITTLE FUSS OR EMOTION. IF THE POLES WISH TO USE THE MATERIALS WITHOUT CHANGE, THERE WILL BE NO PROBLEM PROVIDING THAT THEY DO NOT DISTRIBUTE THEM IN INTERSTATE COMMERCE EITHER THROUGH THE MAILS OR BY COMMON CARRIER.

6. DEPARTMENT OFFICER (ANDREWS) THEN EXPLAINED SITUATION TO POLISH DCM WIEJACZ, URGING THAT EMBASSY OFFICERS AND LAWYER VISIT JUSTICE'S REGISTRATION UNIT TO GO OVER MATERIALS INVOLVED. ANDREWS STATED THAT NO DISCRIMINATION WAS INVOLVED AND JUSTICE HAD CLEAR AUTHORITY UNDER THE ACT. IN ADDITION, JUSTICE SAID IT WOULD WILLINGLY WORK WITH LAWYER AND POLISH EMBASSY ON MINIMUM LANGUAGE CHANGES NECESSARY TO COMPLY WITH ACT.

7. COPY OF 1973 REPORT ON ENFORCEMENT OF ACT POUCHED JANUARY 23. KISSINGER

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